

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL DUANE SPIVEY,

Plaintiff,

Civil Action No.  
10-CV-12651

vs.

HON. MARK A. GOLDSMITH

SAGINAW COUNTY, et al.,

Defendants.

/

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION AND DISMISSING CASE WITH PREJUDICE**

This matter is presently before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Paul J. Komives, issued on July 9, 2012. The Magistrate Judge recommends, among other things, that the case be dismissed for failure to prosecute. Plaintiff has not filed objections to the R&R, and the time to do so has expired. For the reasons stated by the Magistrate Judge, the Court agrees that dismissal is appropriate.<sup>1</sup> Accordingly, the Court accepts and adopts the R&R as the findings and conclusions of the Court, and dismisses this case with prejudice for failure to prosecute.

SO ORDERED.

Dated: July 24, 2012  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

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<sup>1</sup> The Court has heard nothing from Plaintiff in nearly a year and a half. In fact, of the four defense motions filed throughout the pendency of this case, Plaintiff has responded to none of them, despite court orders prompting Plaintiff to file response briefs. In addition, Plaintiff has refused to engage in discovery, as described in more detail by the Magistrate Judge in his R&R. The Court construes Plaintiff’s complete failure to litigate this case as a tacit acknowledgement that he no longer wishes to pursue it.

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 24, 2012.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager